

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
HVT, INC.,

Case No.: 1:15-cv-05867-(MKB)-(VMS)

Plaintiff,

-against-

DECLARATION

PORT AUTHORITY OF NEW YORK AND
NEW JERSEY,

Defendants,
-----X

RUDOLPH J. MEOLA, declares pursuant to 28 U.S.C. § 1746 under penalty of perjury under the laws of the United States of America, that the following is true and accurate.

1. I am an attorney duly licensed in the state of New York. I am admitted to the Federal District Courts for the Northern District of New York, the Western District of New York and the Second Circuit Court of Appeals. I am in good standing with all such Courts.
2. I have been practicing law in New York State and have been in good standing continuously in New York State since 1992. I have never been charged with a felony, censured, suspended from the practice of law, disbarred or denied admission or readmission to any court. I have never had disciplinary proceedings taken against me and there are no disciplinary proceedings against me pending.
3. All of the work that I did on this case consisted of client relations, research, drafting and consultation which was presented to Michael A. Rosenberg to be used in his formal appearances on behalf of Plaintiff, HVT, INC.

Dated: Albany, New York
June 29, 2018



RUDOLPH J. MEOLA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
HVT, INC.,

Case No.: 1:15-cv-05867 (MKB) (VMS)

Plaintiff,

-against-

**REPLY DECLARATION OF MICHAEL
A. ROSENBERG IN FURTHER
SUPPORT OF PLAINTIFF'S MOTION
FOR ATTORNEYS' FEES AND COSTS**

PORT AUTHORITY OF NEW YORK AND
NEW JERSEY,

Electronically Filed

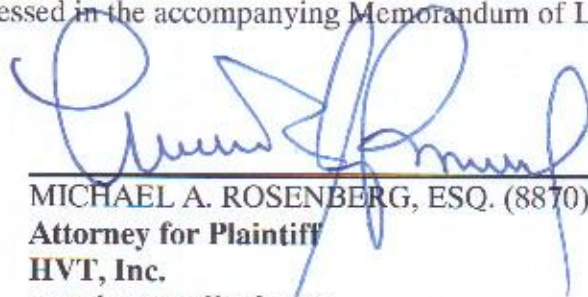
Defendants.
-----X

MICHAEL A. ROSENBERG, an attorney duly licensed to practice law in the State of New York, and before this Court, declares under the penalty of perjury, and pursuant to 28 U.S.C. § 1746, that the following statements, with exhibits, are true:

1. I am the lead attorney, and attorney of record for the Plaintiff, HVT, INC. ("HVT").
2. I make this Reply Declaration in further support of the Plaintiff, HVT's application for an Order awarding reasonable attorneys' fees and costs pursuant to this Court's Order made and entered March 21, 2018, finding the Plaintiff to be the "prevailing party". I am fully familiar with the facts and circumstances herein by reason of my conversations with Plaintiff's representatives, and further by my independent examination of the file relative to this litigation, and my personal involvement in prosecuting this case.
3. I respectfully call the Court's attention to the Declaration of my colleague, RUDOLPH J. MEOLA, ESQ. ("MEOLA"), annexed hereto and submitted with these reply documents, together with the breakdown of additional services rendered in connection with the fee application on behalf of Plaintiff, HVT. (Exhibit "4")

4. I have read the Declaration and Memorandum of Law in opposition submitted on behalf of the Defendant, PORT AUTHORITY OF NEW YORK and NEW JERSEY ("PANYNJ") by its counsel, KARLA DENALLI, ESQ., ("DENALLI") and those documents are incorporated by reference herein, and addressed in the accompanying Memorandum of Law.

Dated: New York, New York
July 2, 2018



MICHAEL A. ROSENBERG, ESQ. (8870)

**Attorney for Plaintiff
HVT, Inc.**

rosenbergesq@aol.com
875 Third Avenue, 8th Floor
New York, New York 10022
Phone: (212) 972-3325

TO: James M. Begley, Esq.
Karla D. Denalli, Esq.
Attorneys for Defendant
The Port Authority of New York and New Jersey
Kdenalli@panynj.gov
4 World Trade Center
150 Greenwich Street, 24th Floor
New York, New York 10007
Phone: (212) 435-3834

Exhibit “4”

KEY TO TIME RECORDS

I.	Michael A. Rosenberg, Esq., Lead Counsel, designated as...	MAR;
II.	Rudolph J. Meola, Esq., Co-Counsel, designated as.....	RJM;
III.	Paraprofessional, Denise Green, designated as.....	DG;
IV.	Paraprofessional, Heather Zak, designated as.....	HZ;
V.	Margaret Taylor-Finucane, Esq. designated as.....	MTF;
VI.	Karla D. Denalli, Esq. designated as.....	KDD;
VII.	Time expenditure is measured and rounded to 1/10 th hr.	
	Hourly rate applied to Counsel.....	\$600/hr;
VIII.	Hourly rate applied to Paraprofessional.....	\$100/hr;
IX.	Travel time rate applied at ½ Counsels' hourly rate.....	\$300/hr;
X.	Efforts to re-write PANYNJ's Rules and Regulations.....	TBD;

Balance Forward..... \$408,708.68

RECAPITULATION OF ADDITIONAL TIME

I.	Legal Services.....39.4 @ \$600/hr.....	\$ 23,640.00
II.	Paraprofessional.....12.5 @ \$100/hr.....	\$ 1,250.00
III.	a) Efforts to Re-write PANYNJ's Rules & Regulations (as per Order 3/21/18).....	TBD

Grand Total (absent Item III above)..... \$433,598.68

XIX. Additional Services Rendered
Reply in support of Plaintiff's Attorneys' Fee Application

Date	Service	Attorney	Time
05/23/18	Correspondence to Defendant's Counsel with Notice of Motion, Declaration of RJM Declaration of MAR Plaintiff's Exhibits, Plaintiff's Memorandum of Law; E-file Certificate Of Service;	MAR	0.1
	Confirmation of receipt from KDD		0.1
05/31/18	Receipt of correspondence from Defendant's counsel containing settlement check for compensatory damages (\$8,000)	MAR	0.1
06/01/18	Transmit settlement check to client	MAR	0.1
06/19/18	Email correspondence w/attachments to KDD re: PANYNJ's continued practices without opportunity to be heard (Nissan Motor Acceptance Corporation)	MAR	0.1
06/21/18	Email correspondence w/attachments to KDD re: PANYNJ's continued practices without opportunity to be heard (Santander Consumer USA [2x]; Hyundai Lease Trust)	MAR	0.1
06/25/18	Correspondence to KDD re: opposition papers and continued practices of PANYNJ;	MAR	0.1
6/26/18	Email to KDD re: receipt of .pdf opposition papers and renewal of request for FedEx tracking number;	MAR	0.1
	Review opposition papers from KDD, including Declaration, Exhibits and Memorandum of Law;	RJM	3.5

Date	Service	Attorney	Time
	Telephone conference with RJM (2x);		0.2
	Preparation of initial notes in anticipation of Reply in Support;		0.5
	Secure <i>Spanos v. Skouras Theatres Corp.</i> , 364 F.2d 161 (2d Cir.) and <i>Fox v. Vice</i> , 131 S.Ct. 2205 (2011)	RJM	0.2
	Review opposition papers from KDD, including Declaration, Exhibits and Memorandum of Law;	MAR	3.0
	Draft #1 of Reply Memorandum of Law and Declarations; read <i>Spanos</i> and <i>Fox</i>	MAR	6.2
6/27/18	Telephone conference with Defendant's counsel re: Rules and Regulations and meeting with OATH	MAR	0.1
	Correspondence from Defendant's counsel re: Meeting w/New York City's OATH's general counsel re: Hearing procedures		0.1
	Research cases on fees compensable for collaboration; <i>Spanos</i> , outline key points; review citing cases; Dietrich	RJM	2.0
	Research billing for work product cases; <i>Missouri v. Jenkins</i> ; <i>Richlin</i> ; note Holding for cite; possible quote.		2.0
	Draft initial reply on compensability/ collaborative work product		1.5
6/28/18	Correspondence w/RJM re: Draft Declarations and Memorandum	MAR	0.2
	Draft #2 of Reply Memorandum and Declarations		4.1

Date	Service	Attorney	Time
	Research cases on fee application objections; <i>Fox v Vice</i> ; review EDNY rules; draft declaration	RJM	2.0
	Revisions to draft; add cases; <i>Arbor Hill</i> ; <i>Con't Ill.</i>		1.5
6/29/18	Draft #3 of Reply Memorandum; telephone conference with RJM (2x); correspondence w/RJM	MAR	5.7
	Final research section 1983 fees for work product; <i>Blanchard</i> ; detail case notes for quote; research <i>Johnson v. Georgia Highway</i>	RJM	1.2
	Final read through and edit of Reply Memorandum of Law; Declarations, and Exhibits	MAR	4.5
	Correspondence from KDD re: Additional vehicles and PANYNJ	MAR	<u>0.1</u>
		SUBTOTAL:	39.4
6/26/18 - 7/02/18	Paralegal/Clerical Time	SUBTOTAL:	12.5